

197059

STATE OF SOUTH CAROLINA

(Caption of Case)

Happy Rabbit, LP on behalf of Windridge  
Townhomes,  
Complainant,

v.

Alpine Utilities, Inc.,  
Defendant.

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Benjamin P. Mustian, Esquire	SC Bar Number: 68269
Address: Post Office Box 8416	Telephone: 252-3300
Columbia, SC 29202	Fax: 771-2410
	Other:
	Email: bmustian@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

<input type="checkbox"/> Emergency Relief demanded in petition	<input checked="" type="checkbox"/> Request for item to be placed on Commission's Agenda expeditiously
<input type="checkbox"/> Other:	

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**WILLOUGHBY & HOEFER, P.A.**

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TRACEY C. GREEN  
SPECIAL COUNSEL

\*ALSO ADMITTED IN TX

January 28, 2009

**VIA HAND-DELIVERY**

The Honorable Charles L.A. Terreni  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RECEIVED  
2009 JAN 28 PM 3:37  
SC PUBLIC SERVICE  
COMMISSION

RE: Happy Rabbit, LP on behalf of Windridge Townhomes v. Alpine Utilities, Inc.  
Docket No. 2008-360-S

Dear Mr. Terreni:

Enclosed for filing on behalf of Alpine Utilities, Inc. are the original and one (1) copy of the Motion to Suspend Testimony Deadlines in the above-referenced matter. By copy of this letter, I am serving a copy of these documents upon the parties of record and enclose a Certificate of Service to that effect.

I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies that are enclosed and returning the same to me via our courier.

If you have any questions, or if you need any additional information, please do not hesitate to contact me.

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**



Benjamin P. Mustian

BPM/cf  
Enclosures

cc: Nanette S. Edwards, Esquire  
Richard L. Whitt, Esquire

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2008-360-S**

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IN RE: )  
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Alpine Utilities, Inc., )  
)  
Defendant. )  
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**MOTION TO SUSPEND  
TESTIMONY DEADLINES**

Pursuant to 26 S.C. Code Ann. Regs. R. 103-829 (Supp. 2008) and other applicable law, Alpine Utilities, Inc. ("Alpine") herein moves the Public Service Commission of South Carolina to suspend the date upon which Alpine's direct testimony in this matter is due. In support of said Motion, Alpine would respectfully show as follows:

1. As set forth more fully in its Motion to Compel filed with the Commission on January 22, 2009, Alpine served certain Discovery Requests upon Happy Rabbit, LP ("Happy Rabbit") on December 19, 2008. Pursuant to 26 S.C. Code Reg. 103-833(B) and (C) (Supp. 2008), Happy Rabbit's responses to Alpine's Interrogatories and Requests for Production were due no later than January 8, 2009. As of the date of this filing, twenty (20) days later, no responses to these discovery requests have been received.

2. Alpine filed a Motion to Compel responses to these discovery requests with the Commission on January 22, 2009. The Commission has not yet ruled on that Motion.

3. Pursuant to the letter dated December 22, 2008 and issued by Commission Staff in this matter, Alpine's prefiled direct testimony is currently due on February 10, 2009.

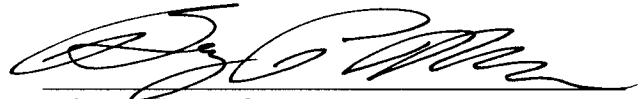
4. Even if the Commission were to consider Alpine's Motion to Compel at its next regularly scheduled on or about February 4, 2009, any responses provided thereafter by Happy Rabbit in compliance with an order compelling same would not be received within a sufficient amount of time for Alpine to review the responses and to incorporate the information contained therein as needed in its prefiled direct testimony.

5. Alpine has a substantial right and need to obtain the documents and information sought, and in order to properly investigate the issues purported to be presented in this matter, must be afforded the benefits of discovery. Otherwise, Alpine would be denied its right to administrative due process. Given the foregoing, Alpine respectfully reiterates its request that the Commission require Happy Rabbit to provide responses to Alpine's Interrogatories and Requests for Production in an expedited manner so that this matter will not be unnecessarily delayed.

6. Alpine moves that the Commission suspend the current deadline for Alpine's prefiled direct testimony of February 10, 2009 until such time as Happy Rabbit has provided responses to these discovery requests. Alpine would submit that an appropriate deadline for Alpine's prefiled direct testimony be at least ten (10) days after its receipt of Happy Rabbit's responses.

WHEREFORE, Alpine respectfully requests that the Commission consider this matter on an expedited basis and issue an Order suspending the current deadline for Alpine's prefiled direct

testimony, requiring Happy Rabbit to respond to Alpine's Discovery Requests, and setting a new date for Alpine's prefiled direct testimony ten (10) days after its receipt of said responses.



John M.S. Hoefer

Benjamin P. Mustian

**WILLOUGHBY & HOEFER, P.A.**

Post Office Box 8416

Columbia, South Carolina 29202-8416

803-252-3300

Attorneys for Defendant

Columbia, South Carolina

This 28<sup>th</sup> day of January, 2009

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-360-S

SO. PUBLIC SERVICE  
COMMISSION

2009 JAN 28 PM 3:38

RECEIVED

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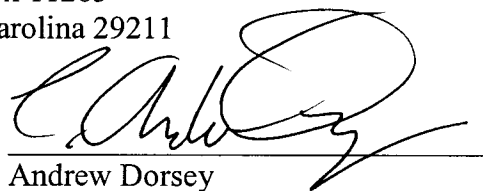
**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of **Defendant's**  
**Motion to Suspend Testimony Deadlines** via hand delivery to the address below:

Richard L. Whitt, Esquire  
**Austin & Rogers, P.A.**  
508 Hampton Street, Suite 300  
Columbia, SC 29211

I further certify that I have caused to be served one (1) copy of the above-referenced documents  
by placing same in the care and custody of the United States Postal Service with first class  
postage affixed thereto and addressed as follows:

Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

  
Andrew Dorsey

Columbia, South Carolina  
This 28<sup>th</sup> day of January, 2009.